



# Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Thirteenth Meeting Day

Tuesday Afternoon

January 30, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Father Kevin Morris, St. Susanna Catholic Church, Plainfield, the guest of Representative Richard W. Bodiker.

The Pledge of Allegiance to the Flag was led by Representative Bodiker.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 17: 100 present. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 31, 2001, at 1:00 p.m.

LYTLE

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 6 and 14 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 11

Representatives Stevenson, L. Lawson, Aguilera, Harris, C. Brown, V. Smith, Dobis, Kuzman, and Dumezich introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION memorializing James Balanoff.

*Whereas, James Balanoff passed away on June 5, 2000, from a stroke at 78 years of age;*

*Whereas, Mr. Balanoff was born on November 24, 1921, in Winnipeg, Manitoba, Canada;*

*Whereas, Mr. Balanoff's family immigrated to the United States in 1923 and settled in South Chicago where Mr. Balanoff attended Bowen High School;*

*Whereas, After graduation, Mr. Balanoff received his U.S. citizenship and enlisted in the Army;*

*Whereas, While serving in the Army during World War II, Mr. Balanoff fought in the Battle of the Bulge and served in the Army of Occupation at the war's end;*

*Whereas, In 1947, Mr. Balanoff married Betty Brummall, a University of Chicago student from Salisbury, Missouri, and together they had four children - James, Thomas, Joseph, and Katherine;*

*Whereas, In 1950, Mr. Balanoff accepted a position at Inland Steel in Gary, Indiana, where he developed an interest in unions and held positions ranging from grievor to president of Local 1010;*

*Whereas, After serving as president of Local 1010 for one year, Mr. Balanoff went on to become director of District 31 (Now District 7) and to serve the International Steel Workers Union;*

*Whereas, In 1981 Mr. Balanoff retired from the steel mills, but his service to the state of Indiana did not end;*

*Whereas, After his retirement, Mr. Balanoff served two terms on the Hammond City Council;*

*Whereas, Mr. Balanoff served the members of his union faithfully for many years, and after retiring from the steel mills, he continued to work to better his community by serving on the Hammond City Council; and*

*Whereas, Mr. Balanoff has touched the lives of many Hoosiers, changing them for the better. He will be sorely missed by the citizens of the Hoosier state and by his family: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to extend its sincerest sympathies to the family of James Balanoff at this sorrowful time and to express its appreciation for all the contributions Mr. Balanoff made to improve the lives of the workers of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of James Balanoff.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Mrvan, S. Smith, Rogers, Antich, and Landske.

### House Concurrent Resolution 12

Representative V. Smith introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the creation of a welfare-to-work program for nurses to address the nursing shortage.

*Whereas, An article in the Journal of the American Medical Association recently reported that the nursing workforce will be 20% below requirements in the year 2020;*

*Whereas, This projected shortage is mainly due to a decline in the number of young women choosing nursing as a career;*

*Whereas, The anticipated shortage will largely be a shortage of experienced nurses;*

*Whereas, The average age of a nurse is about 46 years of age, and about one-third of the nursing workforce is over 50 years of age;*

*Whereas, This part of today's nursing force will be retiring with the baby boomers, and recruitment into the profession among younger people is seriously low;*

*Whereas, A majority of Americans say they support efforts to move people from welfare to well-paying jobs that offer opportunities for advancement;*

*Whereas, One such job would be nursing; and*

*Whereas, This type of welfare-to-work program would have a two-fold benefit to the state of Indiana—to help to permanently remove people from the welfare rolls and to reduce the projected shortage of nurses: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the legislative council is urged to establish an interim study committee to study the creation of a welfare-to-work program for nurses to address the nursing shortage and the way to fund such a program.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 13

Representative V. Smith introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on the effect of utility rates and property tax rates on the finances of the elderly.

*Whereas, Escalating utility bills are forcing people on fixed incomes to make very tough choices these days;*

*Whereas, Many elderly people are being forced to do without or reduce the usage of prescription medications;*

*Whereas, According to statistics of the Centers for Disease*

*Control and Prevention, about eight percent of people over the age of 70 rely on some type of respiratory machinery;*

*Whereas, For elderly people on fixed incomes who do not live in subsidized housing, higher heating prices may be especially troublesome;*

*Whereas, To save money, many elderly people set their thermostats dangerously low in winter and risk hypothermia;*

*Whereas, Some elderly people spend more than 30 percent of their income for home energy costs, according to the American Association of Retired Persons (AARP);*

*Whereas, The elderly are also worried that projected property tax increases will increase the escalating burden for the elderly on fixed incomes; and*

*Whereas, Seniors are facing an affordability crisis related to housing, home energy, and proposed property tax increases: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the legislative council is urged to establish an interim study committee to study the effect of utility rates and property tax rates on the finances of the elderly.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 14

Representative Liggett introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION urging the Indiana General Assembly to address the need for funding for new technology for the bureau of motor vehicles and the bureau of motor vehicles commission and to urge improvements in the bureau of motor vehicles.

*Whereas, The bureau of motor vehicles is a state agency that provides essential services to millions of citizens each year;*

*Whereas, The mission of the bureau of motor vehicles is to provide professional and efficient service in the licensing of drivers, the registration and titling of vehicles, the collection and distribution of taxes, and the management of the records related to these functions;*

*Whereas, The bureau of motor vehicles commission shall operate or be responsible for the administration of all license branches in the state;*

*Whereas, The growth and increased diversity of the state's population have a direct impact on the ability of the bureau of motor vehicles and the bureau of motor vehicles commission to provide their services;*

*Whereas, There are areas of the state that are underserved by existing license branch locations;*

*Whereas, License branches provide an important service to both rural and urban Indiana and often provide important business opportunities to many communities;*

*Whereas, The bureau of motor vehicles and the bureau of motor vehicles commission must increase their reliance on emerging technologies to perform their mission;*

*Whereas, The fees charged by the bureau of motor vehicles have not kept pace with inflation and increased operating costs;*

*Whereas, The bureau of motor vehicles and the bureau of motor vehicles commission should be adequately funded, staffed, and equipped to provide their vital missions;*

*Whereas, The interim study committee on bureau of motor vehicle issues has endorsed this resolution: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That bureau of motor vehicles commission is urged to open as many additional motor vehicle license branches as necessary in order to deliver enhanced customer access and improved services.

SECTION 2. That the bureau of motor vehicles and the bureau of motor vehicles commission are urged to procure and install modern computer systems to enhance their ability to improve efficiency and to deliver enhanced customer access and improved services.

SECTION 3. That the bureau of motor vehicles and the bureau of motor vehicles commission are urged to provide competitive salaries and benefits to their employees for the purpose of delivering enhanced customer service.

SECTION 4. That the bureau of motor vehicles and the bureau of motor vehicles commission are urged to upgrade the security systems in license branch facilities.

SECTION 5. That the bureau of motor vehicles and the bureau of motor vehicles commission are urged to develop other customer service enhancements as they become available.

SECTION 6. That the bureau of motor vehicles is urged to increase its revenues to support these initiatives through the adjustment of fees and service charges collected.

SECTION 7. That the budget agency is urged to establish a technology fund that will be supported by a percentage of the fees collected by the bureau of motor vehicles to facilitate the timely acquisition of improved telecommunication systems by the bureau of motor vehicles.

SECTION 8. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Commissioner of the Bureau of Motor Vehicles.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### **Senate Concurrent Resolution 6**

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representatives Pond and Kruse:

A CONCURRENT RESOLUTION urging the Department of Transportation to designate the new CSX Railroad underpass as the "Herb Kleeman Underpass."

*Whereas, Mr. Herbert Kleeman is the mayor of Garrett, Indiana;*

*Whereas, Mayor Kleeman played an integral role in bringing the State of Indiana together with the appropriate CSX Railroad officials to implement the CSX Railroad Underpass Bridge Project;*

*Whereas, throughout the duration of this project, Mayor Kleeman has devoted countless hours to supervising its progress on behalf of the citizens of the City of Garrett;*

*Whereas, the new underpass has proved to be a wonderful benefit to the City of Garrett;*

*Whereas, in recognition of Mayor Kleeman's instrumental role in this project, it is proposed by the City of Garrett that the underpass be named in his honor: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the efforts of Mayor Kleeman on behalf of the City of Garrett and asks the Indiana Department of Transportation to name the Randolph Street railroad underpass located on State Route 327 in Garrett, Indiana the "Herb Kleeman Underpass."

SECTION 2. That copies of the resolution be transmitted by the Secretary of the Senate to Mayor Herbert P. Kleeman and to the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### **Senate Concurrent Resolution 14**

The Speaker handed down Senate Concurrent Resolution 14, sponsored by Representatives Gregg and Bosma:

A CONCURRENT RESOLUTION congratulating the Indiana National Guard on its successful mission at the Joint Readiness Training Center at Fort Polk, Louisiana.

*Whereas, in May 2000, the 76th Infantry Brigade (Separate) completed a highly successful rotation at the Joint Readiness Training Center (JRTC) at Fort Polk, Louisiana;*

*Whereas, the JRTC was established to provide an advanced level of joint training for Army and Air Force contingency forces under realistic combat conditions;*

*Whereas, after years of preparation, the Indiana National Guard executed its plan to deploy 7,434 soldiers and their necessary equipment to the JRTC at Fort Polk, Louisiana;*

*Whereas, the Indiana National Guard should be commended for creating and flawlessly executing a deployment plan which was unprecedented in its scope and complexity;*

*Whereas, during its mission at the JRTC, the Indiana National Guard received recognition for creating the largest and best organized intermediate staging base, the largest rail movement for the Indiana National Guard ever during peace time, the best ever C-130 air movement into "the box of terrain," and the best performance ever by an Enhanced Brigade in "the box;"*

*Whereas, the milestones achieved by the Indiana National Guard have established a new benchmark for future National guard training at the JRTC: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly is proud to recognize the achievements of the Indiana National Guard at the Joint Readiness Training Center at Fort Polk, Louisiana.

SECTION 2. That the Principal Secretary of the Senate is hereby directed to transmit a copy of this resolution to Major General Robert J. Mitchell.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 15, after "under the" insert "**most recent**".  
Page 3, line 17, delete "(DSM-IV)" and insert "**(DSM)**".

(Reference is to HB 1020 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-20-5-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 15.5. (a) The governing body of an eligible entity that receives a grant under this chapter shall, by resolution, establish an affordable housing fund to be administered, subject to the terms of the resolution, by a department, a division, or an agency designated by the governing body.**

(b) The affordable housing fund consists of:

- (1) payments in lieu of taxes deposited in the fund under IC 36-1-8-14;
- (2) gifts and grants to the fund;
- (3) investment income earned on the fund's assets; and
- (4) other funds from sources approved by the commission.

(c) The governing body shall, by resolution, establish uses for the affordable housing fund. However, the uses must be limited to:

- (1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;
- (2) paying expenses of administering the fund;
- (3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and
- (4) providing technical assistance to nonprofit developers of affordable housing.

(d) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested."

Page 1, line 7, delete "(1)".

Page 1, line 7, strike "the real property is owned by an Indiana corporation;"

Page 1, line 8, delete "(2)" and insert "(1)".

Page 1, line 12, delete "(3)" and insert "(2)".

Page 1, line 15, delete "(4)" and insert "(3)".

Page 2, line 19, delete "." and insert ", if the improvements that qualify the real property for an exemption were begun or acquired after December 31, 2001."

Page 2, line 33, delete "low income housing trust fund" and insert "affordable housing fund".

Page 2, line 33, delete "IC 5-20-4" and insert "IC 5-20-5-15.5".

Renumber all SECTIONS consecutively.

(Reference is to HB 1206 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 1.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

BISCHOFF, Vice Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources

and Rural Development, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1618, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 9-30-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies to a person who is arrested for operation of a vehicle after June 30, 2001, in violation of IC 9-30-5-1(a) with an alcohol concentration equivalent to:**

- (1) at least eight-hundredths (0.08) gram; and
- (2) not more than nine-hundredths (0.09) gram;

**of alcohol per one hundred (100) milliliters of the person's blood or two hundred ten (210) liters of the person's breath.**

(b) Before conviction, a court may defer the prosecution of a person who is a defendant under IC 9-30-5-1(a) if all of the following conditions are met:

- (1) The person does not have a previous conviction under IC 9-30-5-1 through IC 9-30-5-5.
- (2) The person has not:

(A) been previously charged under IC 9-30-5-1(a); and

(B) had the previous charges dismissed under this section.

- (3) The offense does not involve bodily injury or property damage.
- (4) The person completes a court approved alcohol program.

(5) The court suspends the person's operator's license for thirty (30) days under IC 9-30-6-9. The court may order the suspension to commence retroactively on the date of the person's arrest.

- (6) The person and the prosecuting attorney consent to the deferral of the prosecution.

(c) If the person fulfills the conditions set forth in subsection (b), the court shall dismiss the charges.

(d) If a person violates a condition under subsection (b), the court may order the criminal proceedings to be resumed."

Page 5, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 10. IC 9-30-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) This section applies to a criminal proceeding in which the use or abuse of alcohol is a contributing factor or a material element of the offense. This section does not apply to a defendant under IC 9-30-5-1.5.**

(b) The court may take judicial notice of the fact that proper medical treatment is likely to decrease the defendant's tendency to engage in antisocial behavior.

(c) Before conviction, the court, with the consent of the defendant and the prosecuting attorney, may conditionally defer the proceedings described in subsection (a) for up to four (4) years. However, a prosecution may not be deferred under this section if:

- (1) the offense involves death or serious bodily injury;
- (2) other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against the defendant;
- (3) the defendant is on probation or parole and the appropriate parole or probation authority does not consent to the defendant's participation; or
- (4) the defendant fails to meet additional eligibility requirements imposed by the court.

(d) The court may order the defendant to satisfactorily complete the program established under section 2 of this chapter if the court makes a determination under subsection (b). The court may impose other appropriate conditions upon the defendant."

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 13. IC 12-23-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5 This chapter does not apply to a proceeding involving a person subject to IC 9-30-5-1.5.**"

Renumber all SECTIONS consecutively.  
(Reference is to HB 1618 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

KUZMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1862, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 4 and 5, begin a new paragraph and insert:  
"SECTION 4. IC 12-7-2-73.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 73.8. "Dwelling", as used in IC 12-14-11.1, has the meaning set forth in IC 12-14-11.2.**

SECTION 5. IC 12-7-2-75 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 75. (a) "Eligible household", for purposes of IC 12-14-11, has the meaning set forth in IC 12-14-11.1.**

**(b) "Eligible household", for purposes of IC 12-14-11.1, has the meaning set forth in IC 12-14-11.1-3.**

SECTION 6. IC 12-7-2-91, AS AMENDED BY P.L.14-2000, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 91. "Fund" means the following:**

(1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.

(2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.

(3) **For purposes of IC 12-14-11.1, the meaning set forth in IC 12-14-11.1-4.**

(4) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.

~~(4)~~ (5) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.

~~(5)~~ (6) For purposes of IC 12-17-6, the meaning set forth in IC 12-17-6-1-3.

~~(6)~~ (7) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.

~~(7)~~ (8) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.

~~(8)~~ (9) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.

~~(9)~~ (10) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.

~~(10)~~ (11) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.

~~(11)~~ (12) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.

~~(12)~~ (13) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 7. IC 12-7-2-93.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 93.8. "Grantee", as used in IC 12-14-11.1, has the meaning set forth in IC 12-14-11.1-5.**

SECTION 8. IC 12-7-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 106. "Home energy", for purposes of IC 12-14-11 and IC 12-14-11.1, means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.**

SECTION 9. IC 12-7-2-106.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 106.3. "Home energy efficiency measure", as used in IC 12-14-11.1, has the meaning set forth in IC 12-14-11.1-7.**

SECTION 10. IC 12-7-2-110.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 110.5. (a) "Household",**

**for purposes of IC 12-14-11.1, has the meaning set forth in IC 12-14-11.1-8.**

(b) "Household", for purposes of IC 12-20, means any of the following:

(1) An individual living alone.

(2) A family related by blood.

(3) A group of individuals living together at one (1) residence as a domestic unit with mutual economic dependency."

Page 5, after line 10, begin a new paragraph and insert:  
"SECTION 14. IC 12-14-11-2 IS REPEALED [EFFECTIVE JULY 1, 2001]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1862 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 2:30 p.m. with the Speaker in the Chair.

Representative Burton was excused for the rest of the day.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 21 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

#### RESOLUTIONS ON FIRST READING

##### Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representative Grubb:

A CONCURRENT RESOLUTION recognizing Josh Smith for the numerous accomplishments he has achieved, in both academics and athletics, while at Attica High School.

*Whereas, Josh Smith has exhibited an abundance of athletic talent throughout his high school career, receiving four varsity letters in football, three varsity letters in basketball and track and one varsity letter in baseball;*

*Whereas, in addition to his athletic talents, Josh has also excelled in the classroom, ranking 14th in his senior class. Josh's academic achievements are further exemplified by his membership in the National Honor Society and his service as class president and president of the student council;*

*Whereas, during the 2000 football season, Josh played a key role in leading the Attica Red Ramblers to a 14-1 record and a 2nd place finish in the state finals;*

*Whereas, Josh's accomplishments on the football field have earned him a 6th place ranking on the Indiana career rushing list with 6,392 total yards. In addition, Josh finished the 2000 season with 3,004 total rushing yards, making him just the 4th Indiana running back to rush for 3,000 yards in a single season;*

*Whereas, Josh's accomplishments also include a 2nd place ranking in both season scoring, with 449 points during the 2000 season, and career scoring, with 811 points during his high school career; and*

*Whereas, Josh's numerous football accolades culminated this year with his selection by the IHSAA Executive Committee as the 2000 recipient of the Phil N. Eskew Mental Attitude Award for Class A, with his making The Associated Press Class A All-State*

*team and with his being named USA Today's Indiana football player of the year. Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly is proud to recognize Josh Smith's exemplary performance both as a student and an athlete at Attica High School.

SECTION 2. That the Indiana Senate and House of Representatives congratulate Josh on making The Associated Press Class A All-State team, on being named USA Today's Indiana football player of the year and on his selection as the 2000 recipient of the IHSA's Phil N. Eskew Mental Attitude Award for Class A.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Josh Smith, his parents Robert W. and Amy Smith, Attica High School Head Coach David McDonald, Attica High School Principal Roy Jones, Superintendent Dr. Judy Bush, and Attica Elementary School Principal Kim Bower.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-29-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter, "additional telecommunications service" means a telecommunications service provided to a customer that results in an additional monthly charge to the customer. The term includes unauthorized, misleading, or deceptive charges for products or services that appear on the customer's telecommunications bill. The term does not include a telecommunications service to which the customer subscribes or for which the customer pays on a per-use basis.**

SECTION 2. IC 8-1-29-1.3, AS ADDED BY P.L.135-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. As used in this chapter, "letter of agency" means a written statement that a customer signs that authorizes:

(1) a change to that customer's primary interexchange carrier or primary local exchange carrier; or

(2) **an additional telecommunications service.**

SECTION 3. IC 8-1-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A customer of a telecommunications provider may not be:

(1) switched to another telecommunications provider unless the customer authorizes the switch; or

(2) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order; or

(3) **billed by the telecommunications provider for an additional telecommunications service unless the customer files with the telecommunications provider a letter of agency for the additional telecommunications service."**

Page 2, delete lines 18 through 27, begin a new paragraph and insert:

"**Sec. 3. "Consumer goods or services" means any of the following:**

(1) **Tangible or intangible personal property or real property that is normally used for personal, family, or household purposes.**

(2) **Property intended to be attached to or installed on real property without regard to whether it is attached or installed.**

(3) **Services related to property described in subdivision (1) or (2).**

(4) **Credit cards or the extension of credit."**

Page 4, line 30, after "fund." insert "**However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars (\$200,000), the treasurer of state shall transfer the excess from the fund to the state general fund."**

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"**Sec. 3. The attorney general may employ counsel to represent the state in an action under this chapter.**

**Sec. 4. In an action brought under this chapter, the attorney general may recover from the defendant, in addition to any remedies obtained or penalties imposed under IC 24-5-0.5, the following:**

(1) **All money the defendant obtained through violation of this article.**

(2) **Reasonable attorney's fees.**

(3) **Costs of the action."**

Page 7, line 10, delete "Class A" and insert "**Class B**".

Page 7, line 11, delete "D felony" and insert "**A misdemeanor**".

Page 7, line 17, delete "D felony" and insert "**A misdemeanor**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

FRY, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1926, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

FRY

Report adopted.

## HOUSE BILLS ON SECOND READING

### House Bill 2002

Representative Aguilera called down House Bill 2002 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1085

Representative Cheney called down Engrossed House Bill 1085 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed House Bill 1131

Representative Kersey called down Engrossed House Bill 1131 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 19: yeas 83, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed House Bill 1512

Representative Liggett called down Engrossed House Bill 1512 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 20: yeas 55, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### OTHER BUSINESS ON THE SPEAKER'S TABLE

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1085, Roll Call 18, on January 30, 2000. In support of this petition, I submit the following reason:

"I was present and intended to vote Yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 18 to 97 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1020, 1206, 1240, and 1862 had been referred to the Committee on Ways and Means.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Foley, Yount, and Steele be added as coauthors of House Bill 1041.

OXLEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres, Weinzapfel, and D. Young be added as coauthors of House Bill 1085.

CHENEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson, Hasler, and C. Brown be added as coauthors of House Bill 1086.

CHENEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Gregg, D. Young, and Tinchler be added as coauthors of House Bill 1131.

KERSEY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Becker, Welch, and Dillon be added as coauthors of House Bill 1147.

HASLER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Yount, Pelath, and Crooks be added as coauthors of House Bill 1181.

FRY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson, Ruppel, and Porter be added as coauthors of House Bill 1212.

BISCHOFF

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Stevenson and Frenz be added as coauthors of House Bill 1222.

STURTZ

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1247.

AVERY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1307.

BOTTORFF

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Whetstone and Mahern be added as coauthors of House Bill 1413.

T. ADAMS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Weinzapfel and Kuzman be added as coauthors of House Bill 1512.

LIGGETT

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Herndon be added as coauthor of House Bill 1558.

CHERRY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Mellinger be added as coauthor of House Bill 1560.

CHERRY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Herndon and Sturtz be added as coauthors of House Bill 1562.

CHERRY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1606.

KERSEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Dillon be added as coauthor of House Bill 1810.

CROSBY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Weinzapfel, Yount, and Hasler be added as coauthors of House Bill 1892.

DVORAK

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be removed as author of House Bill 1911, Representative Fry be substituted as author.

FRY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb and Kruzan be added as coauthors of House Bill 1934.

GREGG

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as coauthor of House Bill 1985.

MUNSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as coauthor of House Bill 1986.

MUNSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative T. Adams be added as coauthor of House Bill 1987.

MUNSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 2126.

AYRES

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Steele be added as coauthor of House Bill 2128.

KLINKER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Lytle and Robertson be added as coauthors of House Joint Resolution 1.

ULMER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Weinzapfel the House adjourned at 3:05 p.m., this thirtieth day of January, 2001, until Wednesday, January 31, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives